

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTONIO PEREZ,

Case No. 2:21-cv-02063-RFB-NJK

Petitioner,

v.

**ORDER**

WILLIAM HUTCHINGS, et al.,

Respondents.

Petitioner Antonio Perez, a Nevada state prisoner, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.) Currently before the Court is Petitioner's Application to Proceed *In Forma Pauperis* (ECF No. 1).

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. *Id.*

Although Petitioner submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner until 45 days to pay the \$5 filing fee.

**IT IS THEREFORE ORDERED:**

1. Petitioner Antonio Perez's Application to Proceed *In Forma Pauperis* (ECF No. 1) is DENIED.
2. Petitioner must pay the \$5.00 filing fee within 45 days of the date of this order.
3. The Clerk of Court is instructed to send Petitioner *two* copies of this order. Petitioner must make the necessary arrangements to have a copy of this order attached to the check for the filing fee.

1 4. The initial screening of Petitioner's petition under the Rules Governing Section 2254  
2 Cases in the United States District Courts and consideration of the Motion for  
3 Appointment of Counsel (ECF No. 1-3) are deferred to until such time as he has fully  
4 complied with this order.

5 5. If Petitioner fails to comply with this order by the deadline, this case will be dismissed  
6 without prejudice and without further advance notice.

7 DATED this 28th day of February 2022.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE